

ASSEMBLY BILL

No. 1473

Introduced by Assembly Member Feuer

February 23, 2007

An act to add Sections 44002.1 and 44002.2 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 1473, as introduced, Feuer. Solid waste facility: permits: enforcement.

The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, prohibits a person from operating a solid waste facility without a solid waste facilities permit if that facility is required to have a permit pursuant to the act. The enforcement agency is required to immediately issue a cease and desist order ordering a solid waste facility that is operating without a permit to immediately cease operations and to direct the owner or operator of the facility to obtain a permit.

This bill would allow an enforcement agency to stay the issuance of a cease and desist order if the solid waste facility accepts only materials that are source-separated for recycling and meets other specified conditions with regard to the operation of the facility.

The bill would require the board to conduct a study of the environmental and public health impacts of solid waste facilities that accept only materials that are source-separated for recycling and, based on the study, the board would be required to either revise the regulations adopted pursuant to the act with regard to the issuance of solid waste facilities permits for those facilities or determine that the existing regulations are appropriate with regard to those facilities.

The bill would make the provision authorizing the enforcement agency to issue a stay inoperative on January 1, 2012. If before January 1, 2012, the board adopts those regulations specified above, or determines not to revise the existing regulations, the board would be required to notify the Secretary of State of this action and that authorization provision would become inoperative on the effective date of the adoption of the revised regulations or the date of that determination.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44002.1 is added to the Public Resources
2 Code, to read:
3 44002.1. (a) (1) Notwithstanding subdivision (a) of Section
4 44002, the enforcement agency may stay the issuance of a cease
5 and desist order issued pursuant to subdivision (a) of Section 44002
6 if the solid waste facility meets all of the following conditions:
7 (A) The facility accepts only materials that are source-separated
8 for recycling.
9 (B) The owner or operator of the facility is actively engaging
10 in good faith efforts, as determined by the enforcement agency, to
11 obtain a solid waste facilities permit in an expeditious manner.
12 (C) An environmental impact report or negative declaration is
13 being, or has been, prepared for the facility pursuant to Division
14 13 (commencing with Section 21000).
15 (D) During the time that the facility is operating without a solid
16 waste facilities permit, the facility is otherwise operating in a
17 manner that is in compliance with this division and with any
18 conditions required for that compliance imposed by the
19 enforcement agency, including the payment of reasonable and
20 necessary fees for the inspection services and administrative costs
21 of the enforcement agency.
22 (2) A stay granted by the enforcement agency pursuant to
23 paragraph (1) shall be in effect for not longer than two years from
24 the date of issuance and may be extended by the enforcement
25 agency for a period of time not to exceed one additional year, if
26 the enforcement agency determines that the operator or proposed
27 operator of the facility makes a continuing good faith effort to
28 obtain the solid waste facilities permit and otherwise remains in

1 compliance with this division and with any conditions required
2 for that compliance imposed by the enforcement agency.

3 (b) (1) Except as provided in paragraph (2), this section shall
4 become inoperative on January 1, 2012.

5 (2) If the board before January 1, 2012 adopts regulations
6 pursuant to subdivision (a) of Section 44002.2, or determines
7 pursuant to subdivision (b) of Section 44002.2 not to revise the
8 regulations, the board shall notify the Secretary of State of that
9 action. This section shall become inoperative on the effective date
10 of the adoption of the revised regulations or the date of the
11 determination not to revise the regulations.

12 SEC. 2. Section 44002.2 is added to the Public Resources Code,
13 to read:

14 44002.2. The board shall conduct a study of the environmental
15 and public health impacts of solid waste facilities that accept only
16 materials that are source-separated for recycling. Based on the
17 study conducted pursuant to this section, the board shall take one
18 of the following actions:

19 (a) Revise the regulations adopted pursuant to this division with
20 regard to the issuance of solid waste facilities permits to facilities
21 that accept only materials that are source-separated for recycling.

22 (b) Determines not to revise the regulations upon a finding that
23 the existing regulations adopted pursuant to this division are
24 appropriate with regard to the issuance of solid waste facilities
25 permits to facilities that accept only materials that are
26 source-separated for recycling .